

Remarks

Applicants respectfully request reconsideration of this application in view of the above amendments and the following remarks. Applicants submit that each of the grounds for rejection have been met and that this case is in condition for allowance.

Applicants kindly thank the Examiner for his time and consideration in conducting a telephonic interview on December 3, 2003. The remarks below summarize the arguments present in the interview.

Claims 1-7 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Stern and in view of Lin and further in view Haraga. Independent claim 1 recites, in part, “a controller for controlling operation of the air pump” and “a remote control unit capable of communicating with the controller while the bather remains in the tub but not being physically connected to the controller and electrically isolated from the controller power supply.” In contrast to the Examiner’s position, Applicants submits that Haraga is non-analogous art and that even the improper combination of Haraga with Lin and Stern still fails to these claimed limitations.

Stern relates to an air bubbling mat for therapeutically distributing and agitating heated air throughout the water of a bath. Stern, as admitted to by the Examiner, fails to provide any suggestion, motivation, or incentive to incorporate or otherwise teach the advantage of using a remote control to control the bubbling air mat. To compensate for this deficiency, the Examiner asserts that one or both or Lin or Haraga provides sufficient motivation to incorporate a remote control with the bubbling air mat of Stern.

Haraga is non-analogous art. Applicants claimed invention relates to bath mats. Bath mats are removable items which can be easily removed from bath tubs and powered by common wall outlets. Both Stern and Lin also relate to bath mats. Haraga relates to whirlpools, and not removable bath mats. Whirlpools are not removable and include

separately dedicated electrical connections. Claim 1 specifically recites that the “remote control” is capable of communicating with the controller while the “bather remains in the tub” and while the bather is “electrically isolated from the controller power supply.” Advantageously, possible hazardous electrical shocks are minimized as the need for the bather to control a device which is electrically coupled to the air pump is eliminated. Moreover, the controller can be located remotely from the bather and the water used by the bather to further decrease likelihood of electrical shock. One of ordinary skill in the art endeavoring to shock problems with a bath mat would not logically have commended himself to whirlpools when considering the problem, especially considering whirlpool have separately dedicated electrical connections. For this reason, Haraga is non-analogous art and cannot be properly used as prior art.

The improper combination of Lin and Haraga still fails to teach these limitations, as both references fail to make up for the deficiencies of Stern identified above by the Examiner. In particular, both references fail to provide any teaching, suggestion, or motivation to provide for electrically isolated control of the air pump controller from the bather. Lin discloses a wired switch 51 (remote control) which requires the bather to be electrically coupled to the air pump to control the air pump. Haraga discloses a control panel 6 which receives signals from a remote control 30. As shown in Figure 1, the control panel 6 is sufficiently close to the fluid compartment of the tub that the bather is not electrically isolated from the control panel 6 power supply. The remote control 51 of Lin and the remote control 30 of Haraga are not capable of control of the air pump while the bather remains “electrically isolated from the controller power supply,” as recited in independent claim 1. The combination of Stern, Lin and Haraga fails to teach each element recited in independent claim 1. Accordingly, independent claim 1 and dependent claims 2-6 and 12, which depend therefrom, are patentable and nonobvious over the references.

Claim 1 is further rejected along with claims 8 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Lin in view of Haraga. Applicants hereby incorporate the foregoing arguments made with respect to independent claim 1 and submit that the elimination

of Stern in this rejection still fails to render independent claim 1 unpatentable over Lin and Haraga. Accordingly, independent claim 1 and dependent claims 8 and 9, which depend therefrom, are patentable and nonobvious over Lin and Haraga.

Claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Stern, Lin, Haraga, and further in view of Barradas. Barradas only indicates the use of a remote control unit 76 which is wired to the foot bath. Accordingly, Barradas fails to make up for the above-identified deficiencies of the other references. Claim 11, which depends from claim 1, is patentable and nonobvious for at least the same reasons as claim 1.

Claims 12-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lin, Haraga and further in view of Sandrin. Sandrin only relates to bath mats and not the control of bath mats. As such, Sandrin fails to provide any teaching towards the use of remote control. Sandrin, therefore, fails to make up for the above-identified deficiencies of the combination of Lin and Haraga. Accordingly, dependent claims 12 and 13, which depend from patentable independent claim 1, are patentable and nonobvious for at least the same reasons as claim 1.

Claims 14-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sandrin and Baumann. Independent claim 14 recites, in part, "a plurality of flexible blocks secured between the layers defining the plurality of air passages at spaced locations adjacent the air passages and sealed between the layers to prevent water contact with the blocks." Independent claim 20 recites, in part, "at least one foam member sandwiched and sealed between the layers defining the plurality of air passages to prevent water contact with the foam member." In contrast to the Examiner's position, Applicants submits that there is no motivation to combine Sandrin and Baumann and that even such an improper combination still fails to teach these claimed limitations.

Sandrin teaches away from any combination with Baumann. In particular, Sandrin fails to provide any suggestion, motivation, or incentive to include the claimed flexible blocks or foam members. As indicated in the portion of Sandrin recited below, Sandrin merely relates to forming air channels having different sizes to support a bather.

As shown in the drawing figures, the distances between the weld lines defining the channel 32 are less than the distances between the weld lines defining the first channel 31 such that, as described below, when the mat is in use, the conduits constituting the first channel 31 are larger than those constituting the second channel 31. With this arrangement, the body of the user can be supported by the conduits of the first channel 31 without interfering with the holes 5 of the second channel 31, in order to avoid impeding the operation of the mat 1 itself.

(Column 3, Line 50, emphasis added)

Sandrin's use of different size air channels fails to provide any teachings towards including flexible blocks or foam members. In fact, Sandrin appears to teach away from any such motivation as it would contradict the express purpose of Sandrin to provide the same support through differently sized air conduits. The use of flexible blocks or foam members would plug the air conduits and impede the flow of air. Nonetheless, the Examiner asserts that there is sufficient motivation to combine Sandrin with Baumann for the purpose incorporating foam blocks or foam members.

Even the improper combination of Sandrin and Baumann fails to teach the claimed invention. Baumann only discloses the use of flexible sponge rubber or foam on top of the bath mat. In particular, as shown in Figure 27, and recited in the following portion of Baumann, the foam parts are merely adhered to the top of the bath mat by an adhesive.

From FIG. 27 it can also be seen how the plastic profile portions are provided with flexible sponge rubber or foam rubber parts 240, 241, and 242 which are secured by an adhesive or in another way.

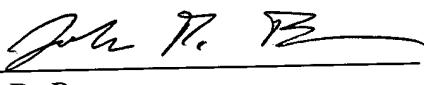
(Column 16, Line 4)

Independent claims 14 and 20 both require that the "flexible blocks" or "foam member" to be "sealed" such that they are prevented from water contact and define the air passageways. Clearly, the foam member of Baumann is not sealed from water contact. Moreover, the foam member does not define the air passageway. The improper combination of Sandrin and Baumann still fails to teach each element recited in independent claims 14 and 20. Accordingly, independent claims 14 and 20 and dependent claims 15-19 and 21-25, which depend therefrom, are patentable and nonobvious over the combination of Sandrin and Baumann.

The Examiner is invited to call the undersigned attorney if it would advance the prosecution of this case. The Examiner is respectfully requested to pass this case to issue.

Respectfully submitted,

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